

# ROUTING AND RECORD SHEET

86-2165

SUBJECT: (Optional)

Comments Regarding Draft Section VII of Presidential Report

FROM:

Executive Officer  
Office of Security/CIA

EXTENSION

NO

DATE

24 JUN 1986

TO: (Officer designation, room number, and building)

DATE

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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2. Attn: [redacted]

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USE PREVIOUS EDITIONS

24 JUN 1986

MEMORANDUM FOR: Chairman, SIG-I Working Group

STAT FROM:

Executive Officer  
Office of Security/CIA

SUBJECT: Comments Regarding Draft Section VII  
of Presidential Report

1. Our comments regarding Draft Section VII are as follows:

° VII.C.1.b. - Unfortunately, CIA does not have any data which will assist in helping other agencies obtain the requested legislative relief. We have not found redaction, when done properly, to result in the compromise of identifying information nor have we found informants unwilling to cooperate because of any actual compromise. In general we feel that if redaction is done properly, there is no problem. While we recognize that it is not always possible to properly redact documents without leaving only the margins intact, we fear that the requirement to provide subjects with summaries is not a fix without problems of its own. Some reasons:

a. A summary of key facts establishing the issues on which a security decision is based is really a statement of reasons; a summary could easily provide the subject with more information than a set of properly redacted documents. In our view, this pushes the Privacy Act beyond its intended scope.

b. The background investigation would remain available to the Subject under FOIA. Without similar amendment to FOIA, a BI, for example, would be redacted in the same way as it would be under the unamended PA.

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Therefore, we would object to this initiative unless,  
 (a) it were made optional, to be used at the agencies' discretion when redaction is not deemed effective and,  
 (b) the initiative is reworded to provide only for a summary statement of the key elements of materials deemed unsuitable for redaction which would otherwise be releasable under applicable law. Reference to any requirement to provide a summary of the issues on which the security decision was based should be deleted, although it is recognized that such will often be the topic of a summary.

° VII.E. - We believe the appropriate remedy is enforcement of existing criminal penalties. To do otherwise only serves to dilute or weaken the penalty and to improperly focus the reason for the law on the cost of resolving the false information. The true purpose of the law is to reduce perjury so that the national security can be properly protected. It is recommended that this initiative call for vigorous prosecution under existing law.

SIGNED

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!OS/EO/PPS [redacted] (24 June 86):

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